

ment; and, no charter provision having such vice may have effect as against the State.

Sec. 20. If any provision, section, part, subsection, sentence, clause, phrase, or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 21. The anticipatory enabling Act passed at the Regular Session of the Forty-third Legislature (known as Chapter 232 of the General Laws of the Regular Session of the Forty-third Legislature) shall not have effect after the instant at which this Act may be in effect, but all procedures taken thereunder (relating to the formulation, circulation, presentation and prosecution of petitions, including all orders of commissioners courts relative to such petition) hereby are validated, to the same effect as though the same had been had and done hereunder.

Sec. 22. The importance of this legislation, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall be in full force from and after its passage, and it is so enacted.

SEVENTEENTH DAY

Senate Chamber,
Austin, Texas,
October 7, 1933.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Regan.

Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Absent.

Russek.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Poage.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small:

S. B. No. 94, A bill to be entitled "An Act to authorize the selection of school depositories for independent school districts created by the Legislature prior to January 1, 1920, in certain counties regardless of the scholastic population of said districts and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 95, A bill to be entitled "An Act, amending article 2673 of the Revised Civil Statutes of 1925, relating to the purchase of bonds by the State Board of Education and providing that the State Board of Education may purchase school bonds from the Board of County and District Road Indebtedness, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

Senators Woodruff and Cousins were excused for the day on account of important business, on motion of Senator Poage.

Motion to Concur.

Senator Blackert moved to concur in the House amendment to S. C. R. No. 10. The motion prevailed by the following vote:

Yeas—25.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.

Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Purl.	Sanderford.
Russek.	

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

Bills Signed.

The Chair, Lieut. Gov. Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 15.	H. B. No. 68.
H. B. No. 21.	H. B. No. 103.
H. B. No. 39.	H. B. No. 142.

S. C. R. No. 21.

Senator Redditt sent up the following resolution:

Whereas, The General Revenue Act passed by the Regular Session of the Forty-third Legislature, being House Bill No. 154, Chapter 162, contains the following provision:

"It is hereby provided that none of the moneys herein appropriated shall be paid to any person who is not a citizen of the United States." and

Whereas, Any agent, servant, or employee of the State of Texas by virtue of the above provision is required to ascertain from any person to whom money might be paid, regardless of the amount, whether or not he is a citizen of the United States, and

Whereas, Certain equipment and supplies that are, from time to time, purchased by various departments of the state government, are manufactured and sold by persons who are not citizens of the United States, which supplies and equipment cannot be purchased elsewhere, and

Whereas, It was the intention of the Legislature, by said provision,

to prevent the spending of any money appropriated therein for itemized positions, be it, therefore

Resolved, by the Senate of Texas, the House of Representatives concurring, that said provision be amended to read hereafter as follows:

"It is hereby provided that none of the moneys herein appropriated for itemized positions shall be used to employ, for such itemized positions, any person who is not a citizen of the United States, provided, however, this section shall not apply to any person who has been in the employ of the State of Texas for more than six (6) months prior to the effective date of this Act."

REDDITT.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration, was suspended. The resolution was adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 15, Granting permission to J. T. Hollis to sue the State of Texas and/or the State Highway Department for personal injuries.

H. C. R. No. 17, Declaring the intent of the Legislature in regard to the Rural Aid Appropriation Bill of the Regular Session of the Forty-third Legislature.

H. C. R. No. 22, Granting W. A. Morgan permission to sue the State of Texas and the State Highway Commission for property damage.

H. C. R. No. 24, Granting permission to J. P. Foty to sue the State of Texas for contractual damage.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 51.

The Chair laid before the Senate as special order, the following bill:

H. B. No. 51, A bill to be entitled "An Act declaring the public policy of the State with respect to the in-

surance of deposits in State banks and State bank and trust companies; creating the 'bank deposit insurance company' as a means of carrying out that policy; defining the powers, duties, and privileges of said corporation; etc., and providing for an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The three committee amendments were adopted.

The bill was read second time and passed to third reading by the following vote:

Yeas—23.

Beck.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Blackert. Holbrook.

Absent.

Hopkins. Purl.
Martin. Russek.

Absent—Excused.

Cousins. Woodruff.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 51 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

Blackert. Holbrook.

Absent.

Hopkins. Purl.

Absent—Excused.

Cousins. Woodruff.
Russek.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

Blackert. Holbrook.

Absent.

Purl. Russek.

Absent—Excused.

Cousins. Woodruff.
Hopkins.

Senate Bill No. 44.

Senator Woodul asked unanimous consent to take up out of its regular order S. B. No. 44.

Objection was heard.

Senator Woodul moved to suspend the regular order of business and take up S. B. No. 44. The motion prevailed by the following vote:

Yeas—16.

Beck.	Pace.
Blackert.	Parr.
Greer.	Patton.
Holbrook.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays 4.

Collie. Fellbaum.
Duggan. Poage.

Present—Not Voting.

DeBerry.	Redditt.
Martin.	Small.
Oneal.	

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Purl.	Woodruff.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 44, A bill to be entitled "An Act to authorize all banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold, and dispose of stock in the Federal Deposit Insurance Corporation, created by the Act of Congress known as the Banking Act of 1933, and to comply with all requirements enabling banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold, and dispose of said stock in the Federal Deposit Insurance Corporation; and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—23.

Beck.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

Blackert.	Holbrook.
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Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Purl.	Woodruff.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No.

44, was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Purl.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Pace.
Collie.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

Blackert.	Holbrook.
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Present—Not Voting.

DeBerry.

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Purl.	Woodruff.

Senate Bill No. 49.

The Chair laid before the Senate as pending business the following bill:

By Senators Woodul, Small, and Woodruff:

S. B. No. 49, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperating with the

Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry for the setting up of a code, codes or agreements; authorizing or directing the Commissioner of Agriculture after hearing to set up and promulgate a code, codes or agreement for fair competition for the milk industry; authorizing the commissioner to impose such conditions as are necessary to make codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes, etc., and declaring an emergency."

The question recurred upon the pending amendment (by Senator Woodul). Senator Woodul withdrew the amendment.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 49, Committee Amendment No. 1, Section 3, by inserting after the comma after the word "census" in line 4 of said section the following:

"and in any county or counties having a population of over sixty-four thousand four hundred (64,400) and less than sixty-four thousand five hundred (64,500) and in any county or counties having a population of not less than one hundred thirty-three thousand (133,000) or more than one hundred thirty-four thousand (134,000) all according to the last preceding Federal census, and amend caption to conform."

HOLBROOK.

Read and adopted.

Committee Amendment No. 1 as amended was adopted.

Committee Amendment No. 2 was adopted.

The bill was passed to engrossment by the following vote:

Yeas—15.

Blackert.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Holbrook.	Redditt.
Hornsby.	Small.
Martin.	Woodul.
Neal.	Woodward.
Pace.	

Nays—8.

Beck.	Murphy.
Collie.	Oneal.
DeBerry.	Purl.
Moore.	Sanderford.

Present—Not Voting.

Regan.	Stone.
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Absent.

Greer.

Absent—Excused.

Cousins.	Russek.
Hopkins.	Woodruff.
Rawlings.	

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 49 was put on its third reading and final passage by the following vote:

Yeas—24.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Nays—2.

Moore.	Oneal.
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Absent—Excused.

Cousins.	Russek.
Hopkins.	Woodruff.
Rawlings.	

Read third time and finally passed by the following vote:

Yeas—16.

Blackert.	Patton.
Duggan.	Poage.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodul.
Parr.	Woodward.

Nays—9.

Beck.	Neal.
Collie.	ONeal.
DeBerry.	Purl.
Moore.	Sanderford.
Murphy.	

Present—Not Voting.

Greer.

Absent—Excused.

Cousins.	Russek.
Hopkins.	Woodruff.
Rawlings.	

Message From the Governor.

Executive Office,
Austin, Texas, October 7, 1933.
To the Forty-third Legislature in
First Called Session:

At the request of Representative Camp, I submit for your consideration a bill hereto attached to be entitled: "An Act amending Articles 2525, 2528 and 2533, Chapter 1, Title 47, Revised Civil Statutes as amended by Chapter 57 First Called Session, Fortieth Legislature, so as to authorize the State Depository Board to fix periodically a reasonable rate of interest to be paid by State Depositories and Reserve Depositories on State Funds, in lieu of interest rates now specifically fixed by statute to be paid by such State Depositories and Reserve Depositories; amending Articles 2537 and 2539, Chapter 1, Title 47, Revised Civil Statutes, to conform thereto; repealing Articles 2536, 2540, 2541, 2542, and 2543, Chapter 1, Title 47, Revised Civil Statutes."

Respectfully submitted,
MIRIAM A. FERGUSON,
Governor of Texas.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 7, Proposing investigation of violation of anti-nepotism laws in State Departments.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolution Referred.

H. C. R. No. 7, referred to Committee on Finance.

Motion to Concur.

Senator Sanderford moved to concur in the House amendment to S. C. R. No. 15. The motion prevailed.

H. J. R. No. 1.

The Chair laid before the Senate on its second reading the following resolution:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at its First Session, which amendment empowers the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read second time.

Conferees Announced.

The Chair announced the appointment of the following conferees on H. B. No. 46:

Senators Patton, Purl, Redditt, Regan and Stone.

S. C. R. No. 22.

Senator Moore sent up the following resolution:

Whereas, The State of Texas, the leading Democratic State of the Nation, has had limited consideration in the matter of general appointments, under the present National Administration, and

Whereas, The State of Texas is entitled to more consideration in the matter of general appointments, and

Whereas, There is a vacancy existing on the Board of Parole, and

Whereas, The Honorable Adam R. Johnson, of Austin, has been widely endorsed for the position on the Board of Parole, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That we urge upon President Franklin D. Roosevelt, the appointment of Mr. Johnson, feeling that he is in every way qualified for this position.

MOORE.

Read and adopted.

Recess.

On motion of Senator Oneal, the Senate, at 12:13 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Resolutions Referred.

H. C. R. No. 15, read and referred to Committee on State Affairs.

H. C. R. No. 24, read and referred to Committee on State Affairs.

H. C. R. No. 22, read and referred to Committee on State Affairs.

H. C. R. No. 17, read and referred to Committee on Educational Affairs.

H. C. R. No. 26, read and referred to Committee on State Affairs.

S. C. R. No. 19.

The Chair laid before the Senate by unanimous consent:

S. C. R. No. 19, Permitting the Grand Lodge of the Sons of Hermann to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator DeBerry asked to be recorded as voting "No."

Senate Bill No. 46.

The Chair laid before the Senate as special order the following bill:

By Senator Woodward:

S. B. No. 46, A bill to be entitled "An Act creating and establishing an official public agency of the State of Texas, the official title of which shall be 'Texas Employment and Relief Commission' and designating

the membership thereof and prescribing the duties of said commission, authorizing the issuance of \$7,500,000.00 in bonds under authority of Section 51a, Article 3, of the Constitution of the State of Texas and providing the method of issuance, the sale and distribution of the proceeds arising from the sale thereof, designating the commissioners' courts of the several counties in Texas as public agencies in connection with the distribution of said funds and designating the governing boards of cities and towns as public agencies for the purpose of distributing said funds, defining the duties of the county commissioners and other persons delegated to act in conjunction with the Texas Employment and Relief Commission and the commissioners' courts, defining the purpose for which said money may be expended and defining the terms and conditions thereof, authorizing the employment of an executive secretary and other assistants, fixing salaries and requiring department heads and other State employees to render assistance in connection with the distribution of the funds, making it an offense to embezzle, misapply or convert said funds, repealing House Bill No. 897, Chapter 141, Acts of the Forty-third Legislature at its Regular Session which created the Texas Rehabilitation and Relief Commission, and declaring an emergency."

Read second time.

The two committee amendments were adopted.

Senator Woodward sent up the following amendments:

Amend S. B. No. 46 by striking out the word "consume," line 30, page 6, after the printed bill, and insert in lieu thereof the words "provide work for."

WOODWARD.

Read and adopted.

Amend C. S. S. B. No. 46 as follows:

Amend Section 11, page 5, by adding at the end of Section 11, line 59, the following:

"No part of said fund shall be utilized toward the payment of pensions nor for the support of poor farms, nor homes for the aged, nor for the purchase of real estate, nor

for the erection of public buildings."

WOODWARD.

Read and adopted.

Amend C. S. S. B. No. 46 as follows:

Amend Section 10, page 4, by inserting after word "commission" line 62, the following: "But shall not be a member thereof."

WOODWARD.

Read and adopted.

Amend C. S. S. B. No. 46 as follows:

Add subsection 6 between lines 41 and 42, page 6, to read as follows: "That the project is ineligible as a 'public works' project."

WOODWARD.

The amendment was read.

Senator Greer moved to table the amendment. The motion was lost by the following vote:

Yeas—2.

Greer.

Stone.

Nays—23.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Woodul.
Murphy.	Woodward
Neal.	

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Patton.	Woodruff.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend C. S. S. B. No. 46, page 4, line 31, by inserting after the word "secretary," the following: "who shall also be the assistant director," and amend line 32 by striking out the figures "\$2500.00," and inserting in lieu thereof "\$3000.00."

REDDITT.

Read and adopted.

Senator Poage sent up the following amendments:

Amend C. S. S. B. No. 46, Sec. 14, line 52 on page 6 of the printed bill by striking out all of said section beginning with the words "As much as thirty per cent" in said line and all thereafter contained in said section, same being the remainder of line 52 and all of lines 53, 54 and 55 and insert in lieu thereof the following:

All of the State funds granted by this section shall be used for the purpose of paying for labor of unemployed people who are eligible for work under the provisions of this Act, but nothing herein shall be construed as prohibiting the use of any funds received from the U. S. Public Works administration for the furnishing of material tools, supplies and other purposes.

POAGE.

Read and adopted.

Senator Blackert asked to be recorded as voting "No."

Amend C. S. S. B. No. 46, Sec. 14, line 51, on page 6 of the printed copy by striking out the word "unskilled."

POAGE.

Read and adopted.

Amend C. S. S. B. No. 46, by striking out all of Section 15, and by re-numbering the remaining sections to conform.

POAGE.

Read and adopted.

Senator Purl sent up the following amendments:

Amend S. B. No. 46, by striking out the first paragraph of Section 18-A, and inserting in lieu thereof the following:

"Section 18-A. The County Relief Commission shall make up a complete list of all expenditures during each month, giving the name and address of all parties receiving money and a statement of the money received by such parties and a statement of purposes for which the money was expended, and said County Relief Commission shall cause one copy of such report to be filed with the State Relief Commission and another copy filed with the county clerk of said county. The county relief commission shall cause its books and records to be audited, by a recognized accountant, or firm of accountants, once each three months, or quarterly, and shall

cause a copy of said audit to be forwarded at the earliest possible date to the State Relief Commission and another copy shall be filed with the county clerk of the county audited. These records shall be open for inspection to the public."

PURL.

Read and adopted.

Amend S. B. No. 46, Section 4, line 27, page 2, of the printed substitute, after the word "Commission" and before the word "shall" by inserting the following:

"by and with the authority of the Texas Legislature as herein designated"

PURL.

Read and adopted.

Senator Oneal sent up the following amendment:

Amend S. B. No. 46, by adding another section to be numbered Section 21-a, as follows:

Sec. 21-a. Texas Relief Bonds authorized by this Act shall be accepted at full face value by the State of Texas, and every political subdivision thereof, as collateral security for the performance of all bonds or undertakings in favor of or with the State or any political subdivision thereof; however, the said bonds shall not be eligible for purchase for the Permanent School Fund, or the Permanent Fund of The University of Texas, or the Permanent Fund of any other institution of the State.

ONEAL.

Read and adopted.

Senator Regan sent up the following amendment:

Amend C. S. S. B. No. 46, by striking out the figures "150,000" in line 55, page 4, Section 10 of the printed bill and inserting in lieu thereof the figures "100,000".

REGAN.

The amendment was read.

Senator Woodul sent up the following substitute for the amendment:

Amend C. S. S. B. No. 46, Section 10, by striking out the word "providing" in line 54, page 4, and all words following in said sentence down to and including the word "city" in line 57, and inserting in lieu thereof, the following:

"providing that in counties containing a city of more than 100,000 population according to the last preceding Federal census the commis-

sion shall consist of seven members, three of whom shall be selected by the governing body of such city, and the governing body of such county shall select four members from among the citizenship of such county"

WOODUL.

The substitute was read.

Senator Regan withdrew his amendment.

The amendment by Senator Woodul was adopted.

Senator Hornsby sent up the following amendment:

Amend C. S. S. B. No. 46, by adding at the end of Section 18 and before Section 18a, the following:

"It is hereby specially provided herein that no person shall be employed in any capacity whatsoever under the terms of this act who has not been an actual bona fide resident citizen of the State of Texas for more than twelve months and of the county where employed for more than six months next preceding the effective date of this act."

HORNSBY.

Read and adopted.

Senator Woodul sent up the following amendment:

Amend C. S. S. B. No. 46, Section 10, by inserting a comma after the word "commission" in line 58 and inserting the following:

"other than in counties containing a city of more than 100,000 population,".

WOODUL.

Read and adopted.

Amend the caption to C. S. S. B. No. 46, line 20, by adding after the word "courts" the following:

"and governing bodies of cities".

WOODUL.

Read and adopted.

Senator Regan sent up the following amendment:

Amend C. S. S. B. No. 46 by striking out the figures 150,000 in line 26, Section 10a, page 5 of the printed bill and inserting in lieu thereof the figures 100,000.

REGAN.

Read and adopted.

On motion of Senator Greer, the vote by which the amendment by Senator Hornsby was adopted was reconsidered.

Senator Hornsby withdrew the amendment.

Senator Hornsby sent up the following amendment:

Amend C. S. S. B. No. 46, by adding at the end of Section 18 and before Section 18a, the following:

"It is hereby specifically provided herein that no person shall be employed in any capacity whatsoever under the terms of this act who has not been an actual bona fide resident citizen of the State of Texas for more than twelve months and of the county where employed for more than six months next preceding the effective date of this act. The county residence requirement shall not apply to employees in the State headquarters in Austin, Texas."

HORNSBY.

The amendment was read.

Senator Sanderford moved to table the amendment. The motion was lost.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 46 by removing the words and figures \$7,500,000 wherever they appear in the bill and inserting in lieu thereof the words and figures \$8,500,000.

SANDERFORD.

The amendment was read.

Senator Poage sent up the following substitute for the amendment:

Amend C. S. S. B. No. 46, Section 4, line 27 on page 2 of the printed bill by striking out the figures "\$7,500,000.00", and inserting in lieu thereof the figures "\$5,000,000.00".

POAGE.

The substitute was read.

Senator Sanderford moved to table the substitute. The motion was lost by the following vote:

Yeas—9.

Fellbaum.	Sanderford.
Greer.	Small.
Martin.	Woodul.
Neal.	Woodward.
Parr.	

Nays—17.

Beck.	Holbrook.
Blackert.	Hopkins.
Collie.	Hornsby.
DeBerry.	Moore.
Duggan.	Murphy.

Oneal.
Pace.
Poage.
Purl.

Redditt.
Regan.
Stone.

Absent—Excused.

Cousins.
Patton.
Rawlings.

Russek.
Woodruff.

The substitute was adopted by the following vote:

Yeas—13.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Holbrook.	Redditt.
Hopkins.	Stone.
Hornsby.	Moore.
Murphy.	

Nays—12.

Duggan.	Purl.
Fellbaum.	Regan.
Greer.	Sanderford.
Martin.	Small.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Cousins.	Russek.
Rawlings.	Woodruff.

(Pair Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Patton (absent) who would vote nay.

Senator Purl sent up the following substitute for the amendment as substituted:

Amend S. B. No. 46 by striking out of line 2 of Section 4 the figures "\$7,500,000.00" and inserting in lieu thereof the following: "\$6,000,000.00".

PURL.

The substitue was read.

Senator Small sent up the following amendment to the substitute:

Amend the pending substitute by striking out the words and figures Six Million (\$6,000,000.00) and insert in lieu thereof Seven Million Five Hundred Thousands.

SMALL.

The amendment to the substitute was read.

Senator Purl raised the point of order that, since the original bill

provided \$7,500,000, the amendment was out of order.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Greer sent up the following amendment to the substitute:

Amend C. S. S. B. No. 46 as amended.

By striking out the words and figures (\$5,000,000) Five Million Dollars in the bill as amended and by inserting in lieu thereof the words and figures (\$7,000,000) Seven Million Dollars.

GREER.

The amendment to the substitute was read.

On motion of Senator Woodward, the previous question was ordered on the further consideration of the amendment to the substitute, the substitute, and the amendment.

The amendment to the substitute was lost by the following vote:

Yeas—11.

Duggan.	Regan.
Fellbaum.	Sanderford.
Greer.	Small.
Martin.	Woodul.
Neal.	Woodward.
Parr.	

Nays—13.

Beck.	Murphy.
Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Redditt.
Hornsby.	Stone.
Moore.	

Absent—Excused.

Cousins.	Woodruff.
Russek.	

(Pairs Recorded.)

Senator Hopkins (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senator Pace (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

The substitute was adopted by the following vote:

Yeas—14.

Duggan.	Greer.
Fellbaum.	Martin.

Neal.	Regan.
Oneal.	Sanderford.
Parr.	Small.
Purl.	Woodul.
Redditt.	Woodward.

Nays—10.

Beck.	Hornsby.
Blackert.	Moore.
Collie.	Murphy.
Holbrook.	Poage.
Hopkins.	Stone.

Absent—Excused.

Cousins.	Woodruff.
Russek.	

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Patton (absent) who would vote yea.

Senator Pace (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

The amendment as substituted was adopted.

Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 46, page 1, Section 2, by eliminating lines 54 to 57 inclusive and inserting in lieu thereof the names of Hon. W. E. Leonard, State Service Officer; Hon. George Slater, Executive Secretary of the State Federation of Labor; and Mrs. Alec Adams of San Antonio, Texas.

SANDERFORD.

The amendment was read.

Senator Greer sent up the following substitute:

Substitute for the Sanderford amendment.

Amend C. S. S. B. No. 46, page 1, Section 2, by eliminating lines 54 to 57 inclusive and inserting in lieu thereof the names of Hon. W. E. Leonard, State Service Officer; Hon. George Slater, Executive Secretary of the State Federation of Labor; and Mrs. Noyes Darling Smith, Austin, Texas, member of the State Board of Education and representative of the Federated Women's Clubs of Texas.

GREER.

The substitute was read.

Senator Collie sent up the following amendment to the substitute:

Amend the substitute by striking out the name of Mrs. Smith, Austin;

and insert in lieu thereof "the Honorable Otis Miller of Anson, present President of the County Judges Association of Texas."

COLLIE,
PACE.

Read and adopted.

Senator Holbrook moved the previous question on the pending substitute, the amendment, and the further consideration of the bill.

The motion failed to receive the proper seconding.

On motion of Senator Stone, a call of the Senate was ordered until S. B. No. 46 was disposed of.

At Ease.

On motion of Senator Stone, the Senate, at 5:57 o'clock p. m., stood at ease until 8 o'clock p. m.

Senate Bill No. 46.

The Senate was called to order at 8 o'clock p. m. by Lieutenant Governor Edgar E. Witt.

Senator Holbrook moved to table the pending substitute as amended. The motion prevailed by the following vote:

Yeas—18.

Beck.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Oneal.	Woodward.

Nays—6.

Blackert.	Greer.
Collie.	Pace.
Fellbaum.	Sanderford.

Present—Not Voting.

Neal.

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Patton.	Woodruff.

Senator Holbrook moved to table the original amendment (by Senator Sanderford).

Senator Purl raised the point of order that two of the nominees had previously been voted down.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the vote was on the group rather than on the individuals singly and that the present group in toto was different from the group in toto voted down.

The motion to table the amendment prevailed by the following vote:

Yeas—18.

Beck.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Oneal.	Woodward.

Nays—6.

Blackert.	Greer.
Collie.	Pace.
Fellbaum.	Sanderford.

Present—Not Voting.

Neal.

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Patton.	Woodruff.

Senator Sanderford sent up the following amendments:

Amend C. S. S. B. No. 46, page 4, Section 10, by adding after the word "Commission," line 53, the following:

That no county commissioners or county judge will be eligible to serve as a member of the county relief commission.

SANDERFORD

Read and adopted.

Amend C. S. S. B. No. 46, page 5, Section 10-A, by striking out beginning with line 33 to line 37 inclusive, and inserting in lieu thereof the following:

The State Relief Commission shall certify the name of the county relief director and the county relief commission and shall ratify or reject such appointment; and in the event of rejection, the State Relief Commission shall make another appointment to fill said position and continue in this manner until a nominee

is confirmed by the county relief commission.

SANDERFORD.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 46, page 4, Section 7-A, beginning with the word "and" on line 16 and eliminating down to and including line 28, and inserting in lieu thereof the following:

And he shall disburse said funds among the counties of this State by means of warrants issued upon vouchers drawn by the Comptroller of Public Accounts on said funds and approved by the Commission in payment of allocations to the legally constituted county relief commissions, and that no allocation shall be made to any political subdivision in any county.

All vouchers shall be signed by the State Director of Relief and countersigned by the Secretary and the Chairman of the Texas Relief Commission or someone designated by the Chairman.

SANDERFORD.

The amendment was read.

Senator Purl called for a division.

The first part of the amendment (down to the last paragraph) was adopted.

The second part of the amendment (the second paragraph) was read.

Senator Sanderford received unanimous consent to change the word "someone" to "some member of the commission."

The second part of the amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend C. S. S. B. No. 46, page 6, by eliminating Section 13 (as amended) entirely and inserting in lieu thereof a new section:

For the purpose of providing work relief, the governing bodies of any political subdivision may apply to the county relief commission, in which county the relief work is to be done, for an assignment of relief labor, setting out to the county relief commission the type of construction and the public necessity for the project. After the final approval of

said project, the county relief commission shall provide labor for said project as far as is practicable in accordance with the amount of funds available for distribution of relief labor.

That no funds derived from the sale of relief bonds shall be allocated for the purpose of purchasing materials, supplies, and equipment or for paying the transportation of same.

That in the event an application of some political subdivision be not granted by the county relief commission, said political subdivision shall have the right of appeal to the Texas Relief Commission.

SANDERFORD.

The amendment was read.

Senator Small moved to table the amendment. The motion prevailed.

Senator Oneal sent up the following amendments:

Amend Section 5 of S. B. 46 by inserting in line 12, page 3, of the printed bill, immediately after the period following the word "interest," the following:

"All subscriptions for not more than twenty thousand dollars (\$20,000.00) par value of said bonds shall be accepted in full before any other subscriptions are accepted, so far as said subscriptions are for a price equal to or better than that at which said bonds would be sold on larger subscriptions."

ONEAL.

Read and adopted.

Amend Section 7 of S. B. No. 46, by inserting in the first sentence of the last paragraph thereof, and immediately after the word "means," line 54, page 3, of the printed bill, the following:

"of the tax on vinous or malt beverages hereinbefore referred to and".

ONEAL.

Read and adopted.

Amend Section 2 of S. B. 46, by striking out of line 2, page 2, of the printed bill, the words "A majority of the membership" and inserting therein the following:

"six of the members".

ONEAL.

Read and adopted.

Amend S. B. No. 46 by inserting in line 7, page 2, of the printed bill, immediately after the word "majority" the word "vote", and after the word "thereof" the following:

"in an open session of said commission at which the vote is taken by a roll call."

ONEAL.

Read and adopted.

Senator Moore sent up the following amendments:

Amend C. S. S. B. No. 46, by adding at the end of Paragraph 3, Section 2, the following:

"Provided also that shall any person other than the Governor, or a duly elected member of the commission named in this section, act or serve, as chairman, the rules, orders, regulations or acts of the said commission, shall be null and void, and of no effect."

MOORE.

Read and adopted.

Amend S. B. No. 46, by adding a new paragraph to Section 14, which shall read as follows:

"No county, or other political subdivision of the State of Texas, shall receive in any six months period in excess of one (\$1.00) dollar per capita, according to the last preceding Federal census, provided; that out of the revolving fund created by Section 19 of this Act an additional one (\$1.00) dollar per capita may be appropriated or allocated to counties having a population of not more than five thousand (5000) according to the last preceding Federal census."

MOORE,

BLACKERT.

The amendment was read.

Senator Regan sent up the following amendment to the amendment:

Amend the pending amendment by excepting counties of 10,000 population instead of counties of 5000 population.

REGAN.

Read and adopted.

The amendment as amended was lost by the following vote:

Yeas—6.

Beck.	Moore.
Blackert.	Poage.
Greer.	Small.

Nays—19.

Collie.	Fellbaum.
DeBerry.	Holbrook.
Duggan.	Hornsby.

Martin.
Murphy.
Neal.
Oneal.
Pace.
Parr.
Purl.

Redditt.
Regan.
Sanderford.
Stone.
Woodul.
Woodward.

Absent—Excused.

Cousins.
Hopkins.
Patton.

Rawlings.
Russek.
Woodruff.

Senator Moore sent up the following amendment:

Amend C. S. S. B. No. 46 by adding a new paragraph to Section 14 which shall read as follows:

"In no event shall more than twenty-five (25) per cent of the funds appropriated or allocated to a county for employment relief be expended within the incorporated cities of said county."

MOORE.

The amendment was read.

On motion of Senator Hornsby the amendment was tabled.

Senator Moore sent up the following amendments:

Amend C. S. B. No. 46, by striking out all after the word "Commission" in line 12, page 5, down to and including the word "that" in line 16, and by adding at the end of line 24, page 5, the following:

"In no event shall any county, or other political subdivision, expend more than five (5%) per cent, out of the funds herein provided in the administration of the funds."

MOORE.

Read and lost.

Amend C. S. S. B. No. 46, by adding at the end of Section 14, a new paragraph which shall read as follows:

"When the funds herein provided become available and have been allocated, any county receiving any portion of said funds may through the commissioners' courts of said county, retire highway bonds that have been issued for construction of highways the bonds of which are not being retired by authority of Senate Bill No. 300, Acts of the Regular Session of the Forty-third Legislature, known as Chapter 136, Acts of the Regular Session, Forty-third Legislature. In the event

bonds herein referred to, are to be retired as herein provided, the commissioners' court of the county affected, shall conform in all things to the provisions of Senate Bill No. 300, Acts of the Regular Session of the Forty-third Legislature, known as Chapter 136, Acts of the Forty-third Legislature."

MOORE.

Read and lost.

Senator Pace received unanimous consent to be excused on account of important business.

Senator Moore sent up the following amendment:

Amend C. S. S. B. No. 46, by striking out all after the word "Brenham" in line 58 down to and including all of line 60, and insert in lieu thereof the names: W. A. Brooks, Jr., of Forney and Hon. H. S. Birney of El Paso.

MOORE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Blackert.	Neal.
DeBerry.	Oneal.
Duggan.	Parr.
Fellbaum.	Poage.
Holbrook.	Redditt.
Hornsby.	Small.
Martin.	Woodul.
Murphy.	Woodward.

Nays—6.

Beck.	Moore.
Collie.	Purl.
Greer.	Regan.

Present—Not Voting.

Sanderford. Stone.

Absent—Excused.

Consins.	Rawlings.
Hopkins.	Russek.
Pace.	Woodruff.
Patton.	

Senator Stone sent up the following amendments:

Amend C. S. S. B. No. 46, Section 9, page 5, by inserting the word "Relief" between the words "County" and "Commission" where

they appear in line 7, line 9 and line 13.

STONE.

Read and adopted.

Amend C. S. S. B. No. 46, page 6, by inserting a new section directly after Section 14, to be known as Section 14-a and to read as follows:

"Sec. 14-a. The State Relief Commission shall each month allocate to the several counties the sums to be received by such counties, which allocations shall be made upon applications for both work relief and direct relief, and a statement shall be made available by such commission to the press once each month showing the total amount of direct relief funds and the total amount of work relief funds allocated to each county in the State. No portion of said funds shall be expended by any private or unofficial agency. The county director of relief shall on or before the 10th day of each month file with the commission a statement showing the amounts previously allocated for work relief in his county and the amount of progress made on each such project, with an estimate as to the amounts necessary to complete such project and also a request for such additional projects as have been approved as herein set forth."

STONE.

Read and adopted.

Amend C. S. S. B. No. 46, page 14, by adding after Section 14-a, a new section to be known as Section 14-b, to read as follows:

"Sec. 14-b. Upon the complaint of any county commissioners' court or governing body of any political subdivision of the State of Texas as to the method and manner of distribution of relief, or as to the expenditures in connection therewith, which complaint shall be filed with the State Relief Commission, the said Commission shall order a public hearing to be held in the county involved in such complaint. The public hearing shall be held after 15 days' notice published in a newspaper in said county, and at such hearing the said State Relief Commission may attend or the director of such Commission by order of the Commission may be authorized to conduct such hearing, and after a full and complete hearing, such commission shall make its order as the facts may war-

rant in its discretion, and in the event the hearing is conducted by the director, then such director shall make his report and recommendations to the Commission and the Commission shall act on same."

STONE.

The amendment was read.

Senator Collie moved the previous question on the amendment and the further consideration of the bill. The motion failed to receive the proper seconding.

The amendment was lost.

Senator Stone sent up the following amendment:

Amend C. S. S. B. No. 46, Section 14, on page 6, by striking out all of said section to word "as" in line 52, and inserting in lieu thereof the following:

"Sec. 14. If a project requested by a commissioners' court or governing body of the political subdivision of this state is approved and funds allotted by the State Commission for the fulfillment of such project, then the County Relief Commission shall have the direct supervision and control of the expenditures of such funds as may be allotted for the performance of such project, subject, however, to such rules and regulations as may be prescribed by the State Relief Commission, and in the expenditure of such funds the County Relief Commission shall act free from any control of the commissioners' court, and in the performance of such projects all the unskilled labor shall be taken from the rolls of the County Relief Commission."

STONE.

The amendment was read.

Senator Hornsby moved to table the amendment. The motion prevailed.

Senator Redditt sent up the following amendment:

Amend C. S. S. B. No. 46, page 9, by adding a new section to be known as Section 25-a, as follows:

Nothing in this Act shall be construed to confer any authority, directly or indirectly on the Texas Relief Commission or any other person, agent or officer of the State Government to incur or create any liability on any relief bonds authorized by Section 51-A, Article 3, Constitution of the State of Texas in excess of the amount authorized to be issued and

sold herein; nor shall any liability be incurred, upon any possibility that future bonds might be authorized, issued and sold by the Legislature. It is further expressly provided that the authorization of additional bonds by Section 51-A, Article 3, Constitution of the State of Texas, and creating any liability thereunder shall be determined only by the Legislature of Texas.

REDDITT.

Read and adopted.

Senator Woodward sent up the following amendment:

Amend the bill by adding a new section to be Section 26-a, to read as follows:

None of the funds herein appropriated, nor any of the funds arising from the sale of the bonds shall be used to pay the salary of any employee of the Texas Relief Commission who is related by blood or marriage within the 2nd degree to the head of any department of the state government, or to any state official, or to any member of the Legislature or to any member of the Texas Relief Commission and no person so related shall be employed by the Texas Relief Commission.

WOODWARD.

The amendment was read.

Senator Poage sent up the following amendment to the amendment.

Amend the amendment by adding: "nor shall any person be employed in any county of this State who is so related to any member of the commissioners' court or county Judge or member of the local county relief commission of the county where employed."

POAGE.

Read and adopted.

The amendment as amended was adopted.

Senator Moore sent up the following amendment:

Amend C. S. S. B. No. 46 by adding after the word "thereof" in line 52, page 1, Section 2, the words "without a vote."

MOORE.

Read and lost.

Senator Murphy sent up the following amendment:

Amend Section 10 of C. S. S. B. No. 46 by striking out the sentence beginning on line 57 of page 4 and

inserting in lieu thereof the following:

"The commissioners' court shall designate one member of said commission as chairman."

MURPHY.

Read and adopted.

Senator Woodul sent up the following amendment:

Amend C. S. S. B. No. 46, page 1, line 51, by changing the first word from "nine" to "ten" and inserting after the word "Brenham" in line 58 the following "the Honorable George H. Slater, Executive Secretary of Texas Federation of Labor."

WOODUL.

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed.

Senator Woodul received unanimous consent for the caption to be amended to conform to the body of the bill.

The bill was passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Oneal.
Blackert.	Parr.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Woodul.
Murphy.	Woodward.
Neal.	

Nays—1.

Moore.

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Pace.	Woodruff.
Patton.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Collie.
Blackert.	Duggan.

Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—2.

DeBerry. Moore.

Absent—Excused.

Cousins.	Rawlings.
Hopkins.	Russek.
Patton.	Woodruff.

Adjournment.

On motion of Senator Hornsby, the Senate, at 11:32 o'clock p. m., adjourned until Monday morning at 10 o'clock.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 17 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 14 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 10 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No.

16 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 20 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 27 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 53 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 49 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 83, A bill to be entitled "An Act amending Section 4 of Chapter 141 of the Laws of the Regular Session of the Forty-third Legislature, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed in lieu of advance printing.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 90, A bill to be entitled "An act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas 1925, as amended by Acts 1931, Forty-second Legislature, page 375, Chapter 221, Section 2, so as to provide that in cities and towns having a population of one thousand (1,000) or more inhabitants, according to the last preceding United States census, the active members of organized fire companies, not to exceed twenty (20) to each one thousand (1,000) of such inhabitants, shall be exempt from jury service, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 108, A bill to be entitled "An Act to provide that where a majority of the resident taxpayers being qualified electors of any city or town in this State having a population in excess of ten thousand (10,-

000) inhabitants, having voted at an election held in such city or town in favor of the expending of public funds in such city or town in carrying out the provisions of Chapter 10, General Laws of the Thirty-sixth Legislature, Regular Session, such election and all acts and proceedings had and done in connection therewith by the governing body of such city or town are hereby legalized, approved and validated; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 59, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-B (Art. 3886-B) providing for the maximum compensation of assistant county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. C. R. No. 23, In regard to H. B. No. 231, passed at the Regular Session of the Forty-third Legislature, which expires October 27, 1933, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 79, A bill to be entitled "An Act to amend Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, by adding Article 3264b to follow 3264a, defining the powers of the Board of Regents of The University of Texas when acting as trustees of a trust for scientific, educational, philanthropic, charitable or other public purposes, and to confer upon them the power of eminent domain, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 91, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes 1925, correcting the same by inserting the words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 80, A bill to be entitled "An Act to authorize the Board of Regents of The University of Texas to execute bond in a sum not in excess of one million, two hundred thousand dollars, to obtain funds with which to complete the Main Building of The University of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 92, A bill to be entitled "An Act amending Article 4195a, Vernon's Annotated Texas Civil Statutes, correcting the same by inserting the word 'ward' in the place of the word 'minor' and by inserting the number '4198' in place of the number '4197' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole, to whom was referred

H. B. No. 10, A bill to be entitled "An Act providing that in all suits, actions or prosecutions under Title 126, Revised Civil Statutes of 1925, or Title 19, Penal Code of Texas, 1925, it shall be a defense for the persons, firms, corporations or associations of persons, or either one or more of them so sued or prosecuted, to show that they are operating within the provisions, terms and conditions, of a code approved by the President of the United States under the terms of the National Industrial Recovery Act; providing that nothing in this Act shall be construed or held to affect pending litigation or destroy rights of the State to recover penalties or fines from any person, firm, association of persons or corporations, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, together with the attached committee amendments, and be not printed.

PURL, Chairman.

Committee Amendment No. 1.

Insert in line 13, page 2, of the engrossed bill, between the word

"was" and the word "authorized," the word "legally."

Committee Amendment No. 2.

Strike out line 23, page 2, of the engrossed bill, the word "upon" and insert in lieu thereof the word "for".

Committee Amendment No. 3.

Insert in line 5, page 3, of the engrossed bill, after the word "approval" and before the word "of" the following: "by the President."

Committee Amendment No. 4.

Insert in line 5, Section 3, page 3, of the engrossed bill, the following: "or the National Industrial Recovery Act is finally adjudged unconstitutional."

Committee Amendment No. 5.

Insert in line 7, Section 3, page 3, of the original bill, after the word "declaration" and before the period, the words "or judicial decree."

Committee Amendment No. 6.

Insert in line 5, Section 4, page 4, of the engrossed bill, after the word "if" and before the word "such," the words "the performance of."

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 120, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the Fourth Called Session of the Forty-first Legislature; and as further amended by Chapter 94, Section 1, of the Regular Session of the Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments, and that it be not printed.

FELLBAUM, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 120 by striking out the last two paragraphs of Section 1 and inserting in lieu thereof the following:

"It is further hereby provided that from and after January 1, 1934, in counties having a population of more than 250,000, according to the last preceding federal census, the tax collector shall advance to the tax assessor, out of State taxes collected by the tax collector, such sums of money to be paid monthly, as may be necessary to pay the salary of said tax assessor and his deputies, but such sums shall not total, before the annual tax rolls are submitted by him more in any one year than 80% of the estimate for said year hereinafter provided for.

"In counties of the class last mentioned on January 1st of each year the assessor of taxes shall submit to the Comptroller and county auditor an estimate of State fees for assessing taxes for said year, and at the time the assessor of taxes submits his tax rolls each year, he shall be paid such balance due him from the State as shall be determined by the said Comptroller and county auditor and such balance shall be paid out of the State taxes upon the warrant of the Comptroller drawn upon the tax collector."

Committee Amendment No. 2.

Amend House Bill No. 120 by striking out Section 2 and inserting in lieu thereof the following:

"Provided that the provisions of this Act shall not be construed as in any way repealing or affecting the provisions of Articles 3883 and 3891 of the Revised Civil Statutes, as amended by Acts of the Forty-third Legislature, Regular Session, page 734, or to be construed as in any way repealing or affecting the provisions of House Bill No. 875, enacted at the Regular Session of the Forty-third Legislature, nor to in any manner change the salary of the tax assessors as now fixed by law."

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 94, A bill to be entitled "An Act to authorize the selection of school depositories for independent school districts created by the Legislature prior to January 1, 1920,

in certain counties regardless of the scholastic population of said districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 9, A bill to be entitled "An Act to relieve the distressed condition of the Common and Independent School Districts of Cameron County, due to the damage and destruction wrought to the public school buildings and equipment of such common and independent school districts, by the tropical hurricane of September 4 and 5, 1933, by setting apart and appropriating to the several independent and common school districts of such county, in which property assessed for taxation in such school districts on the State and county tax rolls for 1933, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that C. S. S. B. No. 9 do pass in lieu thereof.

NEAL, Chairman.

C. S. S. B. No. 9.

A BILL

To Be Entitled

An Act to relieve the distressed condition of the common and independent school districts of Cameron, Hidalgo, and Willacy Counties due to the damage and destruction wrought to the public school buildings and equipment of such common and independent school districts, by the tropical hurricane of September 4 and 5, and that of August 4, 1933, by setting apart and donating to such of the independent and common school districts of such counties as shall comply with the provisions of this Act during the calendar years 1934, 1935, 1936, and 1937, a portion of the part of the automobile license tax paid in and col-

lected by the tax collectors of such counties, which under existing laws is set apart and apportioned to the State Highway Commission; authorizing such common school districts and independent school districts to borrow money and issue their warrants or obligations to evidence loans made to them; prescribing certain duties of the governing bodies of such districts, and of the Attorney General, Comptroller of Public Accounts and State Treasurer, with regard to the special funds so created and donated; limiting the use of such funds and of the proceeds of such warrants or obligations to the specific purposes of this Act; and providing that any portion of such funds not so used shall revert to the State Highway Commission, extending the provisions of this Act to municipal hospitals owned in whole or part by any county within the storm stricken area; and declaring an emergency.

Whereas, Cameron, Willacy, and Hidalgo Counties, ordinarily among the most prosperous localities of the State, and which contribute largely to the public revenues, were on September 4 and 5, 1933, stricken by a tropical hurricane which rendered thousands of its people homeless and destroyed property of its inhabitants to the value of several millions of dollars; and

Whereas, The several common school districts and independent school districts of such counties had heretofore provided substantial and adequate buildings and equipment for the public schools of their respective communities; many of which were wholly destroyed by the hurricane, and others unroofed and otherwise damaged to such extent, that a still greater loss in such buildings and equipment will result, unless they are immediately rebuilt and repaired; and

Whereas, Such independent and common school districts are without the necessary funds and credit to restore, repair, and preserve such public school buildings and equipment; now therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. The county boards of school trustees of the counties of Cameron, Willacy, and Hidalgo in the case of common school dis-

tricts and the boards of school trustees of the several independent school districts of such counties in the case of such independent school districts, are hereby authorized and empowered to borrow money from the Federal Emergency Administrator of Public Works (or any other available source) in such amounts and on such terms as may be agreed upon between such districts and the lending agency on the faith and credit of such borrowing districts, respectively, for the special purpose of restoring, rebuilding, repairing and replacing public school buildings and equipment and the appurtenances thereto damaged, injured, and destroyed by the tropical hurricane of September 4th and 5th, 1933 (or that of August 4, 1933, affecting a portion of the same territory) and to pledge the anticipated revenues of such school districts for the next ensuing five years, including the special fund hereby created for the repayment of such loans.

Sec. 2. Loans so made to school districts in such stricken area may be evidenced by warrants or other obligations of such districts, which warrants or obligations may be payable at any time within five years after date, and bear interest at any rate not to exceed six per cent per annum. All obligations or warrants of any common school district or independent school district issued under the provisions of this Act, shall be first submitted to the Attorney General of Texas, accompanied by proof that the issuance of such warrants or obligations is necessary for the purposes for which the issuance of such warrants is authorized under the provisions of this Act, and approved by him as to their validity and legality; and shall be thereafter registered with the Comptroller of Public Accounts, in the same manner that bonds of common and independent school districts of Texas are now required by law to be so examined, approved and registered; and the Attorney General's certificate that such obligations, or warrants, are legal and valid obligations of such common or independent school district, as the case may be, and the certificate of the Comptroller of Public Accounts that such warrants, or obligations, have been by him duly registered shall be conclusive as to

the validity and legality of such warrants, or obligations.

Sec. 3. For each of the calendar years, 1934, 1935, and 1936 and 1937, respectively, there shall be deducted from that portion of the automobile license tax, which under existing laws, is set apart and apportioned and paid over to the State Highway Commission, which is paid in and collected by the tax collectors of the counties of Cameron, Hidalgo, and Willacy, respectively, a sufficient sum to pay one-fourth of the principal and interest of all warrants or obligations of such common and independent school districts in such storm stricken area which shall have been issued by them and approved by the Attorney General and registered by the Comptroller of Public Accounts on or before January 1, 1934, in accordance with the provisions of this Act; which sum as so deducted is created and apportioned as a special fund which is hereby donated to such of the common school districts and independent school districts in such storm stricken area as shall on or before January 1, 1934, have procured loans and issued warrants or other obligations approved by the Attorney General, and registered with the Comptroller of Public Accounts, under the provisions of this Act.

Sec. 4. All the provisions of this Act, so far as applicable, shall extend to loans for rebuilding and restoring municipal hospitals owned in whole or in part by any county within the storm stricken area.

Sec. 5. It shall be the duty of the Comptroller of Public Accounts and of the Treasurer of the State of Texas, to respectively, set aside the funds hereby appropriated and donated, as and when received, to the several common and independent school districts entitled to participate therein, and to hold all the funds so received in the Treasury until paid out by the Treasurer upon warrants drawn by the county board of school trustees, or by the board of school trustees of the proper independent school district in payment of warrants or other obligations duly issued under the provisions of this Act.

Sec. 6. The proceeds of warrants or obligations issued by any common

school district or independent school district under the provisions of this Act, shall be expended in the manner provided by law for the expenditure of other maintenance and construction funds of said districts, and by the governing body of such district, as otherwise provided by law, for the sole purpose of restoring, rebuilding, repairing, and replacing public school buildings and equipment and the appurtenances thereto damaged, injured, or destroyed by the tropical hurricane of September 4th and 5th, 1933, or that of August 4, 1933, and for no other purpose; and any portion of the special fund hereby created which is not so used shall revert to The State Highway Commission.

Sec. 7. The fact that a large portion of the public school buildings and county hospitals of the counties of Cameron, Willacy and Hidalgo, having an aggregate value of many million dollars, are now either in ruins, or are unroofed, or otherwise damaged in such manner that the interiors, furnishings, and equipment of such buildings are exposed to the elements, so that the entire value of such buildings and their contents will be lost or greatly impaired unless the same are forthwith rebuilt, restored, replaced, and repaired; and that many thousands of school children in such counties cannot attend school until such repairs and replacements are effected, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, should be, and it hereby is, suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, October 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 73, A bill to be entitled "An Act creating additional appropriations for Assistant State Auditors for the fiscal years ending August 31, 1934, and August 31, 1935; and adjusting the salaries of the State Auditor and Efficiency Expert and of the First Assistant State Auditor for the fiscal years

ending August 31, 1934, and August 31, 1935, respectively, increasing the appropriations made for that purpose by the Forty-third Legislature at its Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 81, A bill to be entitled "An Act making an appropriation of Two Thousand and Five Hundred Dollars for the building, installing, and operating of a new cotton lint sterilizing machine for treating baled cotton in the pink bollworm regulated area of the State, in compliance with the Pink Bollworm Law, Title 4, Volume 1, Chapter 3, Revised Civil Statutes of Texas 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK Chairman.

Committee Room,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 20, Relating to the use of appropriation heretofore made for the Fireman's Training School at the Agricultural and Mechanical College.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 68, A bill to be entitled

"An Act making an appropriation for the balance of the fiscal year ending August 31, 1934, to be used by the State Park Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, with amendment, and that it be not printed.

HOLBROOK, Chairman.

Amend Senate Bill No. 68 by striking out the words and figures Twenty-Five Thousand (25,000.00) Dollars wherever they appear and insert in lieu thereof the words and figures Twelve Thousand (\$12,000.00) Dollars.

Committee Room,
Austin, Texas, October 7, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Finance, to whom was referred

S. B. No. 89, A bill to be entitled "An Act providing for holding a Texas Centennial celebration or celebrations in 1936; creating a Texas Centennial Commission, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, without appropriation, and be printed.

HOLBROOK, Chairman.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,
October 9, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.